

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI

CAROL YVONNE CUNNINGHAM,	:	Case No. 1:24-cv-607
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Karen L. Litkovitz
v.	:	
	:	
EMILY BENDER,	:	
	:	
Defendant.	:	

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 4)

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz (Doc. 4), to whom this case is referred. Noting that no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** said Report and Recommendation in its entirety.

Accordingly, the Court **ORDERS** the following:

1. Plaintiff's complaint is **DISMISSED** with prejudice as to any federal claims pursuant to 28 U.S.C. § 1915(e)(2)(B).
2. Plaintiff's complaint is **DISMISSED** without prejudice to any state law claims to be filed in state court.
3. The Court certifies pursuant to 28 U.S.C. § 1915(a), that for the foregoing reasons an appeal of this Order adopting the Report and Recommendation (Doc. 4) would not be taken in good faith and

therefore denies Ms. Cunningham leave to appeal in forma pauperis.

Ms. Cunningham remains free to apply to proceed in forma pauperis in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999), overruling in part *Floyd v. United States Postal Serv.*, 105 F.3d 274, 277 (6th Cir. 1997).

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND